



# **West Virginia Senate**

## **Committee on the Judiciary**

### **Minutes for MARCH 17, 2021, 3:00 PM**

Pursuant to the call of the Chair, the Senate Committee on the Judiciary met on March 17, 2021, 3:00 PM in Room 208-w.

Members present: Senators Trump, Weld, Azinger, Blair, Grady, Maynard, Phillips, Rucker, Smith, Takubo, Woodrum, Beach, Caputo, Lindsay, Romano, Woelfel

Members absent: Senator Stover

A silent roll call being taken, the presence of a quorum was established.

On motion of Senator Weld, the minutes of the previous meeting were approved.

**H. B. 2905 - Relating to repealing the prohibition against the use of certain words.**

Tom Smith, Chief Counsel, explained the bill, and responded to questions.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass.

On motion of Senator Weld, the committee adopted the title amendment.

**S. B. 565 - Relating generally to elections.**

Liz Schindzielorz, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

With leave of the committee, Michael Basile, Secure Elections Project, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Donald Kersey, General Counsel, West Virginia Secretary of State, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Cheryl Bright, Jackson County Clerk, addressed the committee, and responded to questions.

With leave of the committee, Brian Wood, Putnam County Clerk, addressed the committee, and responded to questions.

Chairman Trump removed **S. B. 601** from the agenda.

With leave of the committee, Michelle Holly, Fayette County Clerk, addressed the committee, and responded to questions.

With leave of the committee, Patti Hamilton, West Virginia County Clerks Association, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

Senator Romano moved to amend the committee substitute on page 5, article 2, section 11, subsection (a), by striking lines 18 through 32 of the new code which would return to affirmatively declining voter registration, and also requiring the Secretary of State to authorize rules in consultation with Division of Motor Vehicles to address the questions for voter registration and the registration of 17-year-old individuals that are eligible to vote.

The Chair being in doubt, a division of the body was demanded by Chairman Trump.

The vote being 6 in favor and 10 opposed, the amendment was rejected.

On motion of Senator Romano, the committee amended the committee substitute on page 37, article 8, section 2b, subsection (j), at line 80, by adding new subdivision (3) which states "Affirmatively state that any of the actors, contents, or events depicted in the pre-recorded political message are fictional."

On motion of Senator Romano, the committee amended the committee substitute on page 38, article 8, section 2b, subsection (m), at line 99, by adding new subdivision (5) which states "Affirmatively state that any of the questions depict events which are fictional."

Unanimous consent being granted, Chairman Trump requested staff amendment addressing 17-year-old voter registration.

On motion of Senator Weld, the committee agreed to the committee substitute as amended.

On motion of Senator Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

On Motion of Senator Weld the committee adjourned.



Charles S. Trump  
Chair



Beverly Douglas  
Clerk/Analyst